

ZenFi Networks, LLC
Tariff NY PSC No. 2
Effective Date: March 12, 2019

Leaf No. 36
Revision: 0
Superseding Revision:

24.7 Choice of Law. This Tariff and any applicable Service Order(s) shall be governed by and construed and enforced in accordance with the laws of the State of New York without regard to any conflicts of law principles that result in the application of the laws of another jurisdiction.

24.8 Legal Fees. Each of ZenFi Networks, LLC and Customer shall each be responsible for its own costs, including legal fees, incurred in negotiating or finalizing any Service Order. If any legal proceeding is brought to enforce or interpret any part of a Service Order and/or this Tariff or any provision thereof, the prevailing Party in any such proceeding shall be entitled to recover from the other Party its reasonable attorneys' and paralegal fees and court costs in addition to any remedy or relief granted.

25.0 Construction

25.1 ZenFi Networks, LLC shall design, engineer, construct and install the Customer Fibers to be delivered under this Tariff or any applicable Service Order in a workmanlike manner in compliance with current prevailing telecommunications industry standards using the skill and expertise appropriate for similar projects and ZenFi Networks, LLC's construction specifications.

26.0 Customer Approvals

26.1 Customer, at its cost and expense, shall obtain any approvals and authorizations necessary to deliver the Customer Fibers from the closest manhole along the ZenFi Networks, LLC Network to the Customer demarcation point within any buildings as set forth on the Service Order(s), including but not limited to any required licenses, leases, easements, building entrance agreements, and house and riser permissions. Further, Customer shall comply with any building rules and regulations and any requirements imposed by third parties for providing approvals and authorizations under any such licenses, leases, easements, and any requirements for building entrance access and/or riser access for any buildings in which the Customer Fibers shall be delivered hereunder, and with all material applicable federal, state or local laws, ordinances, rules, regulations and orders in connection with the use of the Service(s). (All of the approvals and authorizations set forth in this Section shall be referred to as "Customer Approvals.")

26.2 Upon request, Customer shall provide ZenFi Networks, LLC with reasonable evidence of its right to authorize ZenFi Networks, LLC to enter and install the Customer Fibers in any buildings where the Customer Fibers will be delivered, as identified in the Service Order.